



---

**IN THE  
Supreme Court of the United States**

**October Term, 1976**

---

**No. 76-800**

---

**CHARLES E. ALLEN  
and  
JOHN W. HORN, et al.,**  
Petitioners,  
vs.

**COLUMBUS COATED FABRICS,  
A DIVISION OF BORDEN CHEMICAL CO.;  
EASTMAN KODAK COMPANY, et al.**  
Respondents.

---

***ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF OHIO***

---

---

**MEMORANDUM OF RESPONDENT  
WILLIAM T. PAUL, M.D. OPPOSING  
PETITION FOR WRIT OF CERTIORARI**

---

**EARL F. MORRIS  
WRIGHT, HARLOR, MORRIS & ARNOLD  
37 W. Broad Street  
Columbus, Ohio 43215  
*Attorney for Respondent*  
WILLIAM T. PAUL, M.D.**

**PHILIP R. BRADLEY  
BRADLEY & FARRIS  
1260 E. Broad Street  
Columbus, Ohio 43203  
*Attorney for Petitioners***

ROBERT E. LEACH  
VORYS, SATER, SEYMOUR & PEASE  
52 E. Gay Street  
Columbus, Ohio 43215  
*Attorney for Respondents*  
BORDEN, INC.,  
EDWARD L. MAHONEY  
AND DEWEY BENNETT

IN THE  
**Supreme Court of the United States**

October Term, 1976

**No. 76-800**

CHARLES E. ALLEN  
and  
JOHN W. HORN, et al.,  
Petitioners,  
vs.

COLUMBUS COATED FABRICS,  
A DIVISION OF BORDEN CHEMICAL CO.;  
EASTMAN KODAK COMPANY, et al.  
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF OHIO

MEMORANDUM OF RESPONDENT  
WILLIAM T. PAUL, M.D. OPPOSING  
PETITION FOR WRIT OF CERTIORARI

Summary judgment was entered in the Court of Common Pleas for respondent William T. Paul, M.D., and affirmed by the Court of Appeals, and motions to certify were denied and the appeals dismissed as to him by the Supreme Court of Ohio, just as with respect to respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett. Dr. Paul stood in the same position in each of these courts as did respondents Edward L. Mahoney and Dewey Bennett, and, accordingly, stands in the same position as they do as to the Petition for Writ of Certiorari in this Court.

The position of respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett in opposition to the petition has been fully briefed by their counsel, and it would serve no useful purpose for us to repeat the argument there made. Accordingly, we incorporate by reference the brief filed on behalf of respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett, including the comment as to the unfounded nature of the statements at page 5 of the petition as they apply to Dr. Paul, and rely upon that brief as our position on behalf of Dr. Paul opposing the petition.

We, accordingly, respectfully join with respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett in submitting that the Petition for Writ of Certiorari should be denied.

---

EARL F. MORRIS  
WRIGHT, HARLOR, MORRIS & ARNOLD  
37 W. Broad Street  
Columbus, Ohio 43215  
*Attorney for Respondent*  
WILLIAM T. PAUL, M.D.